International Criminal Court ICC-ASP/2/L.2

Assembly of States Parties

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8 September 2003

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Second session
New York
8-12 September 2003

Recognition of the coordinating and facilitating role of the NGO Coalition for the International Criminal Court

Draft resolution submitted by Sierra Leone

The Assembly of States Parties,

Recalling United Nations General Assembly resolutions 52/160 of 15 December 1997, 53/105 of 8 December 1998, 54/105 of 9 December 1999, 55/155 of 12 December 2000 and 56/85 of 12 December 2001, which provided for the participation of non-governmental organizations in the work of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and the Preparatory Commission for the International Criminal Court,

Acknowledging the important contribution of all participating non-governmental organizations, including the NGO Coalition for the International Criminal Court, to the establishment of the International Criminal Court throughout the meetings of the Preparatory Committee on the Establishment of an International Criminal Court, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, the Preparatory Commission for the International Criminal Court and the first session of the Assembly of States Parties to the Rome Statute of the International Criminal Court,

Welcoming the cooperative relationship between the NGO Coalition for the International Criminal Court and the host State, including the commitment of the host State to enable the establishment and functioning of the NGO Coalition for the International Criminal Court in its territory,

Stressing the role of public awareness and the involvement of universal civil society in furthering the objects and purposes of the International Criminal Court,

1. *Notes with appreciation* the coordinating and facilitating role that the NGO Coalition for the International Criminal Court will perform between the community of non-governmental organizations and the Assembly and between that community and the International Criminal Court, by encouraging and facilitating the

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participation of non-governmental organizations from all regions, particularly from developing countries; by assisting the Assembly of States Parties with accreditation and dissemination of information and official documents to accredited non-governmental organizations; by encouraging cooperation between Governments and non-governmental organizations, including by organizing meetings; by conveying the expertise of non-governmental organizations to Governments; and by promoting worldwide awareness of and support for the Rome Statute of the International Criminal Court and the International Criminal Court;

2. *Also notes with appreciation* the steps being taken by the host State to enable relevant non-governmental organizations, including the NGO Coalition for the International Criminal Court, to operate effectively in the host State;

3. *Recalls* that rules 93 and 95 of the rules of procedure of the Assembly of States Parties provide for the participation of non-governmental organizations in the meetings of the Assembly and its subsidiary bodies;

4. *Notes* that the present resolution is without prejudice to efforts undertaken by other non-governmental organizations that operate outside the ambit of the NGO Coalition for the International Criminal Court.

International Criminal Court ICC-ASP/2/L.3

Assembly of States Parties

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Assembly of States Parties
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New York, 8-12 September 2003

Draft resolution on the term of office of the members of the Committee on Budget and Finance

The Assembly of States Parties,

Recalling its resolution ICC-ASP/1/Res.4 of 3 September 2002 on the establishment of the Committee on Budget and Finance,

Wishing to amend paragraph 2 of the annex to the said resolution,

Decides to amend the last sentence of paragraph 2 of the annex to its resolution ICC-ASP/1/Res.4 of 3 September 2002 on the establishment of the Committee on Budget and Finance, to read as follows:

"Of the 12 members who are initially elected, 6 shall be elected for a period of two years and the remaining 6 for a period of three years."

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Assembly of States Parties

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10 September 2003

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Second session
New York
8-12 September 2003

Draft resolution proposed by the Bureau

Role of the United Nations in the establishment of the International Criminal Court

The Assembly of States Parties,

Recalling all relevant resolutions of the General Assembly relating to the establishment of the International Criminal Court, including resolution 57/23 of 19 November 2002,

Bearing in mind its resolution ICC-ASP/1/Res.8 of 9 September 2002 on the provisional arrangements for the secretariat of the Assembly of States Parties as well as its resolution ICC-ASP/1/Res.9 of 9 September 2002 on the permanent secretariat of the Assembly of States Parties,

Having decided in its resolution ICC-ASP/2/Res._[1] to establish the secretariat of the Assembly,

1. *Acknowledges* the important role played by the United Nations in the establishment of the International Criminal Court;

2. *Expresses* its deep appreciation to the Secretary-General and Secretariat of the United Nations for their outstanding support in the establishment of the International Criminal Court, and also acknowledges with satisfaction the dedication and professionalism of the staff of the Codification Division of the Office of Legal Affairs, which served in an exemplary manner as secretariat, and in particular of the Ad Hoc Committee and Preparatory Committee on the establishment of an International Criminal Court, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, the Preparatory Commission for the International Criminal Court and the Assembly of States Parties to the Rome Statute of the International Criminal Court.

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[1] See ICC-ASP/2/L.5.

Assembly of States Parties

Distr.: Limited
10 September 2003

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Second session
New York
8-12 September 2003

Draft resolution

Establishment of the Permanent Secretariat of the Assembly of States Parties to the International Criminal Court

The Assembly of States Parties to the International Criminal Court,

Bearing in mind article 112 of the Rome Statute of the International Criminal Court,

Recalling rule 37 and other relevant provisions of its Rules of Procedure, in which specific functions regarding servicing of the Assembly and subsidiary bodies established by the Assembly are assigned to, or contemplated for, the secretariat,

Recalling also its resolution ICC-ASP/1/Res.9 of 9 September 2003, by which it expressed its desire to ensure that adequate secretariat services are provided to the Assembly on a permanent basis, and requested the Bureau to study this question and to submit related proposals, including an assessment of the budgetary implications for the 2004 budget, so that the Assembly may take a decision thereon at its current regular session,

Noting that the Assembly has established, as of now, its Bureau, the Credentials Committee, the Committee on Budget and Finance and the Special Working Group on the Crime of Aggression, and that it may establish further subsidiary bodies, by virtue of article 112, paragraph 4, of the Rome Statute,

Considering that permanent secretariat services are necessary for the exercise of the functions of the Assembly and its subsidiary bodies and the fulfilment of the purposes of the Court,

1. *Takes note with appreciation* of the proposals submitted by the Bureau on the establishment of a permanent secretariat, including the assessment of the budgetary implications for the 2004 budget, and on the modalities for the progressive replacement of the provisional secretariat by the permanent secretariat;[1]

[1] See ICC-ASP/2/3.

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2. *Decides* to establish the Secretariat of the Assembly of States Parties (the Secretariat) in accordance with the provisions of the annex to the present resolution;

3. *Resolves* that the Secretariat shall operate under the full authority of the Assembly and report directly to the Assembly;

4. *Also resolves*, without prejudice to paragraph 3 of the present resolution, that the Secretariat shall be an integral part of the International Criminal Court and that, for administrative purposes, the Secretariat and its staff shall be attached to the Registry of the Court.

Annex

1. The Assembly of States Parties to the International Criminal Court hereby establishes the Secretariat of the Assembly of States Parties to the International Criminal Court (the Secretariat), which shall begin its operations on 1 January 2004.

2. The seat of the Secretariat shall be established at The Hague.

3. The Secretariat shall operate under the full authority of the Assembly and report directly to the Assembly in matters concerning its activities. The Secretariat shall be an integral part of the Court. For administrative purposes, the Secretariat and its staff shall be attached to the Registry of the Court. As a part of the staff of the Registry and, as such, of the Court, the staff of the Secretariat shall enjoy the same rights, duties, privileges, immunities and benefits.

4. The functions of the Secretariat shall be to provide the Assembly and its Bureau, the Credentials Committee, the Committee on Budget and Finance, the Special Working Group on the Crime of Aggression, as well as, upon explicit decision by the Assembly, any subsidiary body that may be established by the Assembly, with independent substantive servicing as well as administrative and technical assistance in the discharge of their responsibilities under the Rome Statute, where applicable by means of pooling with resources available with the Court, as provided in paragraph 8 below.

5. Within the framework established in paragraphs 3 and 4 above, the functions of the Secretariat shall include:

5.1 Conference-servicing functions:

(a) Planning, coordination and servicing of meetings, including the provision of interpretation services;

(b) Preparation, processing and publishing of documentation, including the editing, translation, printing and distribution of documents;

(c) Coordination of the effective functioning of conference and support services (staff, interpretation/translation, conference rooms, supplies, equipment, security services) before and during meetings;

5.2 Core legal and substantive functions:

(a) Substantive secretariat servicing, including: provision of documentation; preparation of pre-session and in-session documents, reports and analytical summaries; preparation of notes and statements for the President of the Assembly or chairpersons of the serviced bodies; provision of interpretation; provision of legal

advice on rules of procedure and the conduct of business; liaising with delegations; and making arrangements, upon request, for informal consultations among delegations;

(b) Advice within the Secretariat on legal and substantive issues relating to the work of the Secretariat and on the ramifications of the activities and decisions of the serviced bodies;

(c) Corresponding with Governments, the Court, non-governmental organizations and other relevant bodies and individuals;

(d) Protocol and credentials, including the administration of the solemn undertakings by judges, the Prosecutor and the Registrar and the management of participation rights (credentials of States Parties, observers, other invited States, non-governmental organizations), travel arrangements;

(e) Public relations;

(f) Cooperation with the host country;

(g) Bringing to the attention of the serviced bodies any matter which in the opinion of the Secretariat requires their consideration;

5.3 Core financial functions:

(a) Provision of advice on the Financial Regulations and Rules, drafting of statements on budgetary implications, and assistance in the preparation of texts on financial and budgetary matters;

(b) Preparation of the section of the draft budget of the International Criminal Court that relates to the Assembly and its Secretariat;

5.4 Administrative functions:

(a) Secretarial work;

(b) Management of Secretariat personnel;

(c) Administration of the budget of the Secretariat;

(d) Building and property management;

(e) Maintenance of records and archives, and library.

5.5 Any other functions that the serviced bodies entrust to the Secretariat.

6. The Secretariat shall be directed by the Director of the Secretariat, who will be selected by the Bureau of the Assembly, in consultation with States Parties, on the basis of a competitive procedure, initiated by the Registrar, and thereupon appointed by the Registrar.

The Director of the Secretariat shall have a comprehensive knowledge of the purposes, principles and procedures of the International Criminal Court and shall demonstrate that he/she possesses, if possible through experience gained at the international level, broad managerial and administrative skills.

7. Other personnel resources shall include staff necessary to provide the substantive, administrative and technical assistance specified in paragraphs 4 and 5 above.

8. The functions of the Secretariat shall be exercised in a manner consistent with the Statute and with the principles of effective financial administration and economy. To that end:

8.1 The Secretariat shall operate under the Financial Regulations and Rules and the Staff Rules and Regulations, in a manner that secures the adequate participation of the Secretariat in decisions on matters that affect its staffing and its operations. The Secretariat shall be subject to the internal and external auditing established for the Court;

8.2 The Secretariat and the other sections of the Court shall attempt, within the bounds of mutual respect for the independent exercise of their respective functions and of maintaining high levels of professionalism, integrity and competence, to find joint responses to situations of increased workload at the Secretariat, by making available to the Secretariat, to the greatest possible extent, the relevant expertise and physical resources of the other sections of the Court, whenever possible based on arrangements that the Secretariat and the other sections of the Court should agree in anticipation of such situations;

8.3 In situations where increased workload at the Secretariat cannot be met through cooperation with the other sections of the Court as called for in paragraph 8.2 above or through other means, the Secretariat shall respond to such situations, within the established budgetary framework, by outsourcing certain administrative, protocol or logistical services;

8.4 General operating services, building and property management, procurement services, library services and personnel services shall be pooled to the maximum extent with corresponding services of the Court.

9. The Secretariat shall be funded from the budget of the International Criminal Court. It shall have no income of its own and may not receive voluntary contributions directly from Governments or international organizations unless the Assembly decides otherwise.

10. The Director of the Secretariat shall be responsible to the Bureau of the Assembly for the proper functioning of the Secretariat.

International Criminal Court ICC-ASP/2/L.6

Assembly of States Parties

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Draft resolution proposed by the Bureau

The establishment of a trust fund for the participation of the least developed countries in the activities of the Assembly of States Parties

The Assembly of States Parties,

Recalling General Assembly resolutions 51/207 of 17 December 1996 and 57/23 of 19 November 2002,

Recalling also its resolution ICC-ASP/1/Res.8 of 9 September 2002 on the provisional arrangements for the secretariat of the Assembly of States Parties,

Having decided in its resolution ICC-ASP/2/Res.__[1] to establish the secretariat of the Assembly,

1. *Requests* the Registrar to establish a trust fund under the authority of the secretariat of the Assembly for the participation of the least developed countries in the work of the Assembly and its subsidiary bodies, and calls upon States, international organizations, individuals, corporations and other entities to contribute voluntarily to the fund;

2. *Decides* to request the Secretary-General of the United Nations to close the special fund established pursuant to General Assembly resolution 51/207 of 17 December 1996, the mandate of which was expanded by General Assembly resolutions 53/105 of 8 December 1998 and 57/23 of 19 November 2002, and to take the necessary steps to facilitate the transfer, as appropriate, of any funds remaining to the trust fund established pursuant to the present resolution.

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[1] See ICC-ASP/2/L.5.

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International Criminal Court ICC-ASP/2/L.7

Assembly of States Parties

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11 September 2003

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Second session
New York
8-12 September 2003

Strengthening the International Criminal Court and the Assembly of States Parties

Draft resolution

The Assembly of States Parties,

Mindful that the conscience of humanity continues to be deeply shocked by unimaginable atrocities in various parts of the world and that the need to prevent the most serious crimes of concern to the international community, and to put an end to the impunity of the perpetrators of such crimes, is now widely acknowledged,

Convinced that the International Criminal Court is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as to the prevention of armed conflicts, the preservation of peace and the strengthening of international security, in accordance with the purposes and principles of the Charter of the United Nations,

Convinced also that justice and the fight against impunity are, and must remain, indivisible, and that in this regard universal adherence to the Rome Statute of the International Criminal Court is essential,

Welcoming the progress that has been achieved thus far, owing, not least, to the dedication of the Court staff in establishing, within only one year, a functioning institution, and recognizing at the same time that the Court continues to rely on sustained and undiminished support by States, international organizations and civil society,

Desirous of assisting the Court and its organs, notably through management oversight and other appropriate action, in performing the duties assigned to them,

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A. Rome Statute of the International Criminal Court and other agreements

1. *Welcomes* the fact that the number of States Parties to the Rome Statute of the International Criminal Court has continued to rise, the number having now reached ninety;

2. *Invites* States that are not yet parties to the Rome Statute to become so as soon as possible;

3. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, notably through implementing legislation, in particular in the areas of penal law and judicial cooperation with the Court, and in this regard encourages States Parties to the Rome Statute that have not yet done so to adopt such implementing legislation as a priority;

4. *Decides*, without prejudice to the functions of the Secretary-General in his capacity as depositary of the Rome Statute, to keep the status of ratifications under review, and to monitor developments in the field of implementing legislation, inter alia, with a view to facilitating the provision of technical assistance that States Parties to the Rome Statute, or States wishing to become parties thereto, may wish to request from other States Parties or institutions in relevant areas;

5. *Stresses* that the integrity of the Rome Statute must be preserved and that treaty obligations emanating therefrom must be fully adhered to, and encourages States Parties to the Rome Statute to exchange information and to support and assist each other to that end, particularly in situations where its integrity is being challenged;

6. *Recalls* that the beginning of Court operations has added urgency to the need for States to sign and ratify the Agreement on the Privileges and Immunities of the Court, and encourages those States that have not yet done so to sign and ratify the Agreement as a matter of priority and to implement it in their national legislation;

7. *Looks forward* to rapid progress in the negotiations between the Court and the United Nations on the Draft Relationship Agreement between the Court and the United Nations,[1] and requests the Court to keep the Assembly of States Parties to the Rome Statute of the International Criminal Court informed thereon;

B. Institution-building

1. General

8. *Takes note* of the report of the International Criminal Court to the Assembly of States Parties, 2003;[2]

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[1] *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2), part II.G.

[2] See document ICC-ASP/2/5 and Corr.1.

9. *Emphasizes* the importance of endowing the Court with the necessary financial resources, and urges all States Parties to the Rome Statute to transfer as soon as possible and in full their assessed contributions in accordance with relevant decisions taken by the Assembly of States Parties;

10. *Welcomes* the steps undertaken by the President, the Prosecutor and the Registrar to coordinate activities at all appropriate levels on management and budgetary issues, encourages those involved to continue, and where possible improve, this practice, and recommends that the Director of the Secretariat of the Assembly of States Parties should be associated with such coordination, when appropriate;

11. *Recommends* that the Court consider the desirability and feasibility of establishing, at United Nations Headquarters, a small representation common to all parts of the Court, and requests the Registrar to report to the Assembly of States Parties on this question, including its budgetary implications;

2. Administration

12. *Notes* that the Committee on Budget and Finance has initiated its work, inter alia, by adopting its draft internal rules of procedure,[3] and reaffirms the independence of its members;

3. Judges

13. *Notes* that the judges have made considerable progress in drafting the Regulations of the Court, and looks forward to their circulation to States Parties for comments immediately after their adoption, in accordance with article 52, paragraph 3, of the Rome Statute;

4. Office of the Prosecutor

14. *Notes* that the Office of the Prosecutor is elaborating draft regulations to govern the operation of the Office, welcomes the effort undertaken by the Prosecutor to develop in a transparent manner, inter alia, through the convening of a public hearing on 17 and 18 June 2003, a sound prosecutorial strategy, and expresses its readiness to maintain a constant dialogue with the Prosecutor on his strategy, with full respect for the independent, impartial and conscientious exercise of his functions;

5. Victims Trust Fund

15. *Expresses its confidence* that, following the establishment of the Board of Directors of the Victims Trust Fund, the Trust Fund will then be able to initiate its functions, and requests the Board to report to the Assembly of States Parties, at its next session, within the framework of the report on activities, projects and voluntary contributions requested in paragraph 11 of the annex to resolution ICC-ASP/1/Res.6 of 9 September 2002, on the build-up of the Trust Fund;

[3] See document ICC-ASP/2/7, annex II, and Corr.1.

6. Host country

16. *Takes note* of the statement made by the representative of the host country on 8 September 2003[4] on arrangements for the interim and permanent premises of the Court and on the negotiations on the headquarters agreement between the Court and the host country;

C. Assembly of States Parties

17. *Takes note* of the report of the Special Working Group on the Crime of Aggression and recalls that the Special Working Group shall continue to hold two to three meetings, as necessary, during annual sessions of the Assembly of States Parties;

18. *Requests* the Bureau of the Assembly of States Parties to examine ways and means to ensure an efficient structuring of meetings of the Assembly of States Parties, inter alia, the use of a limited number through additional working groups in certain well-defined areas that would meet within the framework of the sessions of the Assembly of States Parties, and to submit proposals thereon, including an assessment of the budgetary implications, to the Assembly of States Parties;

19. *Decides* that it will hold its next ordinary session from _____ to _____ in The Hague and that the Committee on Budget and Finance will also hold its sessions in The Hague, from _____ to ____ and from _____ to _____.

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[4] ICC-ASP/2/INF__.

International Criminal Court ICC-ASP/2/L.8

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8 to 12 September 2003
Agenda item 4 (b)
Credentials of representatives of States Parties at the second session: report of the Credentials Committee

Report of the Credentials Committee

Chairman: Mr. Dejan **Šahović** (Serbia and Montenegro)

1. At its 1st plenary meeting, on 3 September 2003, the Assembly of States Parties to the Rome Statute of the International Criminal Court, in accordance with rule 25 of the Rules of Procedure of the Assembly of States Parties, appointed a Credentials Committee for its first session, consisting of the following States Parties: Benin, Fiji, France, Honduras, Ireland, Paraguay, Serbia and Montenegro, Slovenia and Uganda.

2. For the second session of the Assembly of States Parties, the Credentials Committee held its meeting on 11 September 2003.

3. The Committee had before it a memorandum by the Secretary-General dated 9 September 2003 concerning the credentials of representatives of States Parties to the Rome Statute of the International Criminal Court to the second session of the Assembly of States Parties. The representative of the Legal Counsel made a statement updating the information contained therein.

4. As noted in paragraph 1 of the memorandum and the statement relating thereto, formal credentials of representatives to the second session of the Assembly of States Parties, in the form required by rule 24 of the Rules of Procedure, had been received as of the time of the meeting of the Credentials Committee from the following 40 States Parties: Australia, Austria, Belgium, Bulgaria, Cambodia, Croatia, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Jordan, Latvia, Liechtenstein, Luxembourg, Marshall Islands, Mauritius, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Saint Vincent and the Grenadines, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, United Republic of Tanzania and Uruguay.

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5. As noted in paragraph 2 of the memorandum and the statement relating thereto, information concerning the appointment of the representatives of States Parties to the second session of the Assembly of States Parties had been communicated to the Secretary-General, as of the time of the meeting of the Credentials Committee, by means of a cable or a telefax from the head of State or Government or the Minister for Foreign Affairs, or by means of a letter or note verbale from the permanent mission concerned, by the following 50 States Parties: Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Barbados, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Canada, Central African Republic, Colombia, Costa Rica, Cyprus, Democratic Republic of the Congo, Djibouti, Dominica, Ecuador, Gabon, Gambia, Ghana, Honduras, Lesotho, Lithuania, Malawi, Mali, Malta, Mongolia, Namibia, Nauru, Netherlands, Niger, Nigeria, Panama, Paraguay, Peru, Samoa, San Marino, Sierra Leone, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, Venezuela and Zambia.

6. The Chairman recommended that the Committee accept the credentials of the representatives of all States Parties mentioned in the Secretary-General's memorandum and the statement relating thereto, on the understanding that formal credentials for representatives of the States Parties referred to in paragraph 5 of the present report would be communicated to the Secretary-General as soon as possible.

7. On the proposal of the Chairman, the Committee adopted the following draft resolution:

"*The Credentials Committee*,

"*Having examined* the credentials of the representatives to the second session of the Assembly of States Parties to the Rome Statute of the International Criminal Court referred to in paragraphs 4 and 5 of the present report;

"*Accepts* the credentials of the representatives of the States Parties concerned."

8. The draft resolution proposed by the Chairman was adopted without a vote.

9. The Chairman then proposed that the Committee recommend to the Assembly of States Parties the adoption of a draft resolution (see para. 11 below). The proposal was adopted without a vote.

10. In the light of the foregoing, the present report is submitted to the Assembly of States Parties.

Recommendation of the Credentials Committee

11. The Credentials Committee recommends to the Assembly of States Parties to the Rome Statute of the International Criminal Court the adoption of the following draft resolution:

"Credentials of representatives to the Second Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

"*The Assembly of States Parties to the Rome Statute of the International Criminal Court*,

"*Having considered* the report of the Credentials Committee and the recommendation contained therein,

"*Approves* the report of the Credentials Committee."

International Criminal Court ICC-ASP/2/L.9

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Report of the Assembly of States to the Rome Statute of the International Criminal Court

Rapporteur: Mr. Alexander **Marschik** (Austria)

A. Introduction

1. In accordance with the decision taken at its 3rd meeting, on 9 September 2002,[1] the Assembly of States Parties to the Rome Statute of the International Criminal Court held its second session at United Nations Headquarters from 8 to 12 September 2003.

2. Pursuant to General Assembly resolution 57/23 of 19 November 2002 and in accordance with the Rules of Procedure of the Assembly of States Parties,[2] the Secretary-General of the United Nations invited all States Parties to the Rome Statute to participate in the session. Other States that had signed the Statute or the Final Act were also invited to participate in the session as observers.

3. Pursuant to the same General Assembly resolution and in accordance with rule 92 of the Rules of Procedure of the Assembly of States Parties, also invited as observers to the session were representatives of intergovernmental organizations and other entities that had received a standing invitation from the General Assembly pursuant to its relevant resolutions[3] as well as representatives of regional intergovernmental organizations and other international bodies invited to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, June/July 1998), accredited to the Preparatory Commission for the International Criminal Court or invited by the Assembly of States Parties.

4. Furthermore, in accordance with rule 93 of the Rules of Procedure, non-governmental organizations invited to the Rome Conference, registered to the Preparatory Commission for the International Criminal Court or in consultative status with the Economic and Social Council of the United Nations whose activities were relevant to the activities of the Court or that had been invited by the Assembly of States Parties attended and participated in the work of the Assembly.

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5. In accordance with rule 94 of the Rules of Procedure, the following States were invited to be present during the work of the Assembly of States Parties: Bhutan, Cook Islands, Democratic People's Republic of Korea, Equatorial Guinea, Grenada, Kiribati, Lao People's Democratic Republic, Lebanon, Maldives, Mauritania, Micronesia (Federated States of), Myanmar, Niue, Palau, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Somalia, Suriname, Swaziland, Tonga, Turkmenistan, Tuvalu and Vanuatu.

6. The list of delegations to the session is contained in document ICC-ASP/2/INF/___.

7. The session was opened by the President of the Assembly of States Parties, H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein (Jordan).

8. The Bureau of the Assembly that had been elected at the first session, for a term of three years, continued during the second session, as follows:

President:
H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein (Jordan)

Vice-Presidents:
Mr. Allieu Ibrahim Kanu (Sierra Leone)
Mr. Felipe Paolillo (Uruguay)

Rapporteur:
Mr. Alexander Marschik (Austria)

Other members of the Bureau:
Austria, Croatia, Cyprus, Democratic Republic of the Congo, Ecuador, Gabon, Malta, Mongolia, Namibia, Netherlands, New Zealand, Nigeria, Norway, Peru, Romania, Serbia and Montenegro, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland

9. At its 1st meeting, on 8 September 2003, in accordance with rule 25 of the Rules of Procedure, the following States were appointed to serve on the Credentials Committee: Benin, Fiji, France, Honduras, Ireland, Paraguay, Serbia and Montenegro, Slovenia and Uganda. The Assembly considered it useful for purposes of continuity to appoint to the Credentials Committee the same States serving in that capacity during the term of office of the current Bureau of the Assembly of States Parties.

10. The Director of the Codification Division of the Office of Legal Affairs of the United Nations Secretariat, Mr. Václav Mikulka, acted as Secretary of the Assembly. The Codification Division provided the substantive servicing for the Assembly.

11. At its 1st meeting, the Assembly observed one minute of silence dedicated to prayer or meditation in accordance with rule 43 of the Rules of Procedure, as well as to the memory of the United Nations staff members killed as a result of the bombing of the Headquarters of the United Nations in Baghdad on 19 August 2003 as well as the many innocent victims of various recent indiscriminate attacks.

[to be completed]

12. At the same meeting, the Assembly adopted the following agenda (ICC-ASP/2/1):

1. Opening of the session by the President.

2. Silent prayer or meditation.

3. Adoption of the agenda.

4. Credentials of representatives of States Parties at the second session:

   (a) Appointment of the Credentials Committee;

   (b) Report of the Credentials Committee.

5. Organization of work.

6. Report on the activities of the Bureau.

7. Report on the activities of the Court.

8. Establishment of the secretariat of the Assembly of States Parties.

9. Consideration and adoption of the budget for the second financial year.

10. Adoption of the scale of assessments.

11. Consideration of audit reports.

12. Election of the Deputy Prosecutor.

13. Election of members of the Committee on Budget and Finance.

14. Election of members of the Board of Directors of the Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims.

15. Report of the Special Working Group on the Crime of Aggression.

16. Establishment of an international criminal bar.

17. Decisions concerning the next meeting, including dates and venue.

18. Decisions concerning the next meeting of the Committee on Budget and Finance, including dates and venue.

19. Other matters.

13. The annotated list of items included in the provisional agenda was contained in a note by the Secretariat (document ICC-ASP/2/1/Add.1).

14. Also at the 1st meeting, the Assembly agreed on a programme of work and decided to meet in plenary session as well as in the working group format. The Special Working Group on the Crime of Aggression, established pursuant to Assembly resolution ICC-ASP/1/Res.1 of 9 September 2002, met in accordance with the arrangements reached by the Assembly at the 8th meeting of its first session, on 7 February 2003.[4] In accordance with paragraph 2 of the above-mentioned resolution, the Special Working Group is open on an equal footing to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency In addition, the Assembly established a Working Group on the Draft Programme Budget for 2004 and a Working Group on the Draft Staff Regulations of the Court.

15. The President, following consultations with the Bureau, appointed Ambassador Christian Wenaweser (Liechtenstein) to chair the Special Working Group on the Crime of Aggression; Mr. Patricio Ruedas (Spain) to chair the Working Group on

the Draft Programme Budget for 2004; and Ms. Gaile Ramoutar (Trinidad and Tobago) to chair the Working Group on the Draft Staff Regulations of the Court.

16. The Assembly also held informal consultations on the establishment of an international criminal bar, coordinated by Mr. Hans Bevers, the focal point of the Bureau on the matter; on the establishment of the Secretariat of the Assembly of States Parties, coordinated by Mr. Alexander Marschik (Austria); and on the term of office of members of the Committee on Budget and Finance, coordinated by Mr. Sivu Maqungo (South Africa).

B. Consideration of issues in the agenda of the Assembly during the second session

1. Credentials of representatives of States Parties at the second session

17. At its 5th meeting, on 12 September 2003, the Assembly

[to be completed]

2. Report on the activities of the Bureau

18. At its 1st meeting, on 8 September 2003, the Assembly took note of the oral report of the President on the activities of the Bureau.

[to be completed]

3. Statements by the President and Prosecutor of the Court, and general and other statements

19. At its 1st meeting, on 8 September 2003, the Assembly heard statements from Judge Philippe Kirsch, President of the Court, and Mr. Luis Moreno Ocampo, Prosecutor of the Court. Statements were also made by the Minister of Justice, Administration and Local Self-Government of Croatia, Ms. Ingrid Anticevic Marinovic, and representatives of the host country, the Netherlands, Italy (on behalf of the European Union, and acceding and associated countries as well as the European Free Trade Association countries, Iceland, Liechtenstein and Norway), members of the European Economic Area, and Peru (on behalf of the Rio Group). At its 2nd meeting, on 9 September, the representatives of Nigeria, South Africa and the Democratic Republic of the Congo made statements.

4. Report on the activities of the Court

20. At its 1st meeting, on 8 September 2003, the Assembly took note of the report of the International Criminal Court to the Assembly, 2003 (ICC-ASP/2/5).

5. Election of the Deputy Prosecutor of the International Criminal Court

21. In a letter dated 11 August 2003 from the Prosecutor of the International Criminal Court to the President of the Assembly of States Parties (ICC-ASP/2/8, annex), the Prosecutor submitted three nominations for election to the post of Deputy Prosecutor, in accordance with paragraph 4 of article 42 of the Rome Statute. In a note by the Secretariat dated 3 September 2003 (ICC-ASP/2/8/Add.1), one of the candidates announced his decision to withdraw his candidature.

22. At its 2nd meeting, on 9 September 2003, the Assembly proceeded to elect the Deputy Prosecutor of the International Criminal Court on the basis of the nominations submitted by the Prosecutor (ICC-ASP/2/8) and the subsequent withdrawal of one candidature (ICC-ASP/2/8/Add.1). Having obtained an absolute majority of the members of the Assembly of States Parties, Mr. Serge Brammertz (Belgium) was elected Deputy Prosecutor of the International Criminal Court.

23. Eighty-seven ballots were cast, of which none were invalid and 87 were valid. The number of States Parties voting was 87; the required absolute majority was 46; and the number of votes obtained by the candidates was as follows: Mr. Serge Brammertz (Belgium), 65, and Mr. Vladimir Tochilovsky (Ukraine), 22.

Term of office of the Deputy Prosecutor and commencement of the term of office

24. Also the 2nd meeting, prior to the election, the Assembly, upon the recommendation of the Bureau, decided that the term of office of the Deputy Prosecutor of the International Criminal Court should be six years and that it should begin to run from 3 November following the date of election.

6. Election of members of the Committee on Budget and Finance

25. At the 10th meeting of its first session, on 21 April 2003, the Assembly, having received no nomination from Eastern European States, decided to defer election of candidates from those States until its second session. The Bureau fixed the period for nomination of candidates to run from 28 April to 21 August 2003 and the Secretariat was requested to issue an official note inviting nominations.

26. At its 1st meeting, on 8 September 2003, the Assembly proceeded to elect the following remaining members of the Committee on Budget and Finance from Eastern European States in accordance with its resolution ICC-ASP/1/Res.5 of 3 September 2002:

Ms. Elena Sopková (Slovakia)
Ms. Inna Steinbuka (Latvia)

27. In accordance with paragraph 11 of resolution ICC-ASP/1/Res.5, the Assembly dispensed with a secret ballot and elected the two members from Eastern European States by acclamation.

[to be completed]

7. Election of members of the Board of Directors of the Victims Trust Fund

28. At the 11th meeting of its first session, on 22 April 2003, the Assembly decided to open the period for nomination of members as Directors of the Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, to run from 28 April to 21 August 2003, and the Secretariat was requested to issue an official note inviting nominations.

29. At its 1st meeting, on 8 September 2003, since an insufficient number of nominations had been received at the close of the nomination period, the Bureau reopened the nomination period to run from 8 to 10 September 2003 and it was agreed that the election would be held on 12 September 2003.

[to be completed]

8. Special Working Group on the Crime of Aggression

[to be completed]

9. Establishment of the Secretariat of the Assembly of States Parties

[to be completed]

10. Consideration and adoption of the budget for the second financial year

30. The Assembly, through its Working Group, considered the programme budget for 2004 on the basis of the draft proposal submitted by the Registrar, the report of the Committee on Budget and Finance, the initial report of the External Auditor and the preliminary comments made by the Court on the External Auditor's report.

[to be completed]

11. Consideration of audit reports

[to be completed]

12. Establishment of an international criminal bar

[to be completed]

13. Other matters

(a) Conditions of service and compensation of judges of the International Criminal Court

31. At its 4th meeting, on 11 September 2003, the Assembly decided to align the various language versions of the Conditions of service and compensation of the judges of the International Criminal Court with the negotiated English text. The Conditions of service and compensation of judges remain applicable unless the Assembly decides otherwise. The Secretariat was requested to reissue the conditions in the preparation of the report of the Assembly.

(b) Status of contributions to the budget of the International Criminal Court for the first financial period and the second financial year

[to be completed]

(c) Agreement on the Privileges and Immunities of the International Criminal Court

32. At the 4th meeting, on 11 September 2003, the President appealed to States that had not yet done so to consider becoming parties to the Agreement on the Privileges and Immunities of the International Criminal Court so as to facilitate its early entry into force.

(d) Trust fund for the participation of least developed countries

[to be completed]

(e) Recognition of the coordinating and facilitating role of the NGO Coalition for the International Criminal Court

33. At its 4th meeting, on 11 September 2003, the Assembly adopted resolution ICC-ASP/2/L.2 on the recognition of the coordinating and facilitating role of the NGO Coalition for the International Criminal Court.

14. Role of the United Nations in the establishment of the International Criminal Court

[to be completed]

Notes

[1] *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part I, para. 39.

[2] Ibid., part II.C.

[3] General Assembly resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10, 54/195, 55/160, 55/161, 56/90, 56/91, 56/92, 57/29, 57/30, 57/31 and 57/32 and Assembly decision 56/475.

[4] *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session (First and second resumptions), New York, 3-7 February and 21-23 April 2003* (United Nations publication, Sales No. E.03.V.8), part I, paras. 38 and 39.